

**PLANNING AND ZONING BOARD MINUTES FOR MEETING HELD
TUESDAY, 4 SEPTEMBER 2018, 7:30 PM, CITY HALL AUDITORIUM, 110 RIVER STREET**

The meeting of the Planning and Zoning Board came to order at 7:32 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

Members Present: D. Doucette-Ginise, J. Grant, P. Kearney, S. Marlow, C. S. Moore, T. Panzella, J. Quish, R. Satti

Not Present: N. Austin, B. Kaligian

Staff: D. Sulkis, City Planner; M.E. Greene, Board Clerk

C. PUBLIC HEARINGS

Proposed Changes to the City of Milford Zoning Regulations proposed by the Planning and Zoning Board:

1. Proposal #3-18, Article 3, Section 3.11.2 : Special Use: 3.11.2.9 Recycling plants

Chairman Quish asked Mr. Sulkis to clarify why no expiration dates applied; it was because they are Board-proposed.

Mr. Sulkis said the proposed language change would reference the state statute, but that the City Attorney recommended that the current language be preserved, resulting in a staff recommendation not to adopt the change. **Mr. Grant, Mr. Marlow, and Mr. Sulkis** reviewed the history behind trying to revise the regulations.

Board Discussion: **Chairman Quish** opened the hearing for public comment.

Tatiana Murphy, treasurer for Caswell Cove Condominiums, asked for regulation changes to remove the possibility of having a recycling plant near the residences, but said she realized this particular regulation change did not directly relate to this topic.

Chairman Quish asked for further comment, hearing none, he closed the public hearing. **Mr. Sulkis** recommended that the board withdraw the amendment.

Motion: **Mr. Grant** motioned to approve the amendment as presented.

Second: **Mr. Panzella** seconded.

Discussion: None.

Vote: Motion was unanimously voted down.

2. Proposal #4-18, Article 10, Section 10.1 Authority: 10.1.4 Approval of Location

Mr. Sulkis said the City Attorney's office (CAO) had offered alternative text instead of removing the text as proposed by the subcommittee and had advised that no state statutes should be mentioned. Specifically, the CAO's comments were as follows:

While it is accurate that CGS 14-67k was deleted (repealed) in 2003, that section only dealt with the requirement for a public hearing in connection with the issuance of a certificate of approval. It did not remove the obligation on the part of the "board or authority" to issue a certificate of approval. Accordingly, this Regulation should remain. That said, pursuant to CGS Section 14-67i, the Zoning Board of Appeals (ZBA) is responsible for providing a certificate of approval for locations to be used as a motor vehicle recycling yard, or junkyard as defined by the City of Milford Zoning Regulations.

The CAO also recommended that the new language be relocated to Section 9 of the regulations. **Mr. Sulkis** said staff recommended that the revised language become Section 9.2.5.

Chairman Quish opened the hearing for public comment; hearing none, he closed the hearing and asked for a motion.

Mr. Sulkis suggested a motion be made to move the following language from Section 10.1.4 to Section 9.2.5 with wording as follows per the CAO: *Approval of Location: The Zoning Board of Appeals shall determine whether a proposed junk yard location is suitable.*

Motion: **Mr. Grant** motioned to change 10.1.4 to 9.2.5 with the following wording: *Approval of Location: The Zoning Board of Appeals shall determine whether a proposed junk yard location is suitable. In considering such application, the Board shall take into account the nature and development of surrounding property; the proximity of churches, schools, hospitals, public buildings or other places of public gathering; the sufficiency in number of other such yards or business in the vicinity; whether or not the location is*

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within a restricted district; the health, safety and general welfare of the public; and the suitability of the applicant to establish, maintain or operate such yard or business and receive a license therefore.

Second: Mr. Panzella seconded.

Discussion: None.

Vote: Motion carried unanimously.

D. NEW BUSINESS

1. **263 Cherry Street/16 Ross Street (ZONE R-5)** – Petition of Thomas Lynch requesting if he can pursue a change of zone without submitting an application for special permit /site plan review per 10.1.2 of the Zoning Regulations.

Attorney Lynch addressed the board. He noted the attendance of Lorenzo Condiotti, principal of Russell Speeder Car Wash, Milford. He said the request he was presenting was similar to the 990 Naugatuck Avenue request approved by the Board at the previous meeting; specifically to waive the site plan requirement when applying for a zone change. He described the business at 263 Cherry Street and said that his client was under contract to buy an abutting property zoned as CDD-5 rather than CDD-1 like the car wash. He said that in order for the car wash to do business in the added space, the purchased lot would need to also be zoned as CDD-1. He noted that if the zone change could be made, a number of buffer variances would be required via application to the Zoning Board of Appeals. He laid out a roadmap from a zoning change, to ZBA variances, then to a presentation of a site plan (already created and reviewed by staff) to the Planning and Zoning Board. He reviewed current traffic issues on Cherry Street and said problems would be alleviated because the new lot would have a holding area for cars waiting to use the car wash. He said a detailing portion of the business would be eliminated to create more room.

Board Discussion: **Mr. Satti** noted a scrivener's error on the agenda regarding the street address, that it should read 263 rather than 236. **Mr. Satti** asked about the dimensions of the lot, which **Attorney Lynch** calculated to be roughly 5000 sf. **Attorney Lynch** confirmed for **Mr. Satti** that there would be about 6 additional cars spaces. **Attorney Lynch** noted that historically, the current uses were nonconforming. **Mr. Grant** confirmed that variances would be needed for the eventual plan; that no development was planned for 16 Ross Street, the use of which would remain a driveway; and that the detailing shed would be removed. **Chairman Quish** emphasized that no zone change was being approved at present, rather that the vote would be on permission to consider a zone change without a site plan.

Motion: **Mr. Panzella** motioned to approve.

Second: **Mr. Moore** seconded.

Discussion: None.

Vote: The motion carried.

VOTED WITH THE MOTION: Mr. Grant, Ms. Kearney, Mr. Marlow, Mr. Moore, Mr. Quish, Mr. Panzella

VOTED AGAINST THE MOTION: Ms. Doucette-Ginese, **Mr. Satti**

D. LIAISON REPORTS None.

E. REGULATIONS SUBCOMMITTEE UPDATE None.

F. APPROVAL OF MINUTES 16 August 2018, unanimously approved.

G. CHAIR REPORT **Chairman Quish** followed up on his request for boardmembers to work with him on planning for the next POCD; **Mr. Grant**, **Ms. Kearney**, and **Mr. Satti** volunteered.

H. STAFF REPORT **Mr. Sulkis** reported that Economic and Community Development Director Julie Nash requested that the board discuss a moratorium on development of self storage facilities. He said such a moratorium would require a definite timeframe and purpose, and that it would ultimately require a public hearing. The board expressed interest. **Mr. Satti** requested a synopsis of her presentation from the board to review in advance. **Mr. Sulkis** agreed to ask Ms. Nash for this.

I. ADJOURNMENT was at 8:06.

Attest:

M.E. Greene, Board Clerk